

REISSUE DECLARATION AND POWER OF ATTORNEY

We, as the below named inventors, hereby declare that our residence, post office address and citizenship are as stated below next to our names, and we believe we are the original, first and joint inventors of the invention entitled **"BENZONAPHTHALENE DERIVATIVES, A PROCESS FOR THEIR PREPARATION AND THEIR USE IN THERAPEUTIC AND COSMETIC COMPOSITIONS,** described and claimed in the attached reissue specification and also described and claimed in our original application Serial No. 07/502,122, filed on March 30, 1990 and the resulting United States Patent No. 5,098,895, which issued on March 24, 1992 and for which a reissue patent is solicited, that we have reviewed and understand the contents of the attached specification, including the claims, as amended by any amendments specifically referred to in this Declaration; that we acknowledge the duty to disclose information of which we are aware and which is material to the examination of the application in accordance with 37 CFR 1.56(a); that priority is hereby claimed from Luxembourg application 85849, filed April 11, 1985, a certified copy of which was filed on October 28, 1986 in prior U.S. application Serial No. 06/850,145 filed on April 10, 1986, now U.S. Patent 4,717,720;

That we verily believe that through error, without any deceptive intent, the said patent is partly inoperative for the following reasons:

(1) When initially filing the subject application as a Rule 60 divisional application of Serial No. 07/120,958, now U.S. Patent 4,940,696, which is a division of Serial No. 06/850,145,

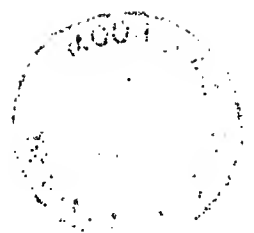
now U.S. Patent 4,717,720, the value of  $R_4$  and  $R_5$ , as "hydroxy" was inadvertently and without any deceptive intent, omitted from Claims 27 and 28 which were submitted with the Preliminary Amendment Accompanying Request for Filing (Rule 60), dated March 30, 1990. This value of "hydroxy" was set forth in original Claim 1 and therefor original Claims 21 and 22 which depended therefrom;

(2) On December 6, 1991, after reviewing the specification and claims prior to paying the Issue Fee, it was noted, for the first time, that the value of "hydroxy" for the substituents  $R_4$  and  $R_5$  in Claims 27 and 28 were inadvertently omitted and a Rule 312 Amendment was filed to correct this error;

(3) On January 10, 1992, after having paid the Issue Fee on December 10, 1991, the Examiner issued a letter stating that the Rule 312 Amendment was disapproved on the grounds that it would result in a reexamination of the claims involved since the definition of  $R_4$  and  $R_5$  as "hydroxy" was absent from Claim 27 as originally filed;

(4) That the absence in application Claims 27 and 28, now patent Claims 1 and 2, of "hydroxy" in the definition of  $R_4$  and  $R_5$  renders U.S. Patent 5,098,895 partly inoperative;

Wherefore we pray that we be allowed to surrender, and we hereby offer to surrender, said U.S. Letters Patent No. 5,098,895, and that Letters Patent be reissued to ourselves and assignee for the same invention upon the foregoing amended reissue application;



We hereby declare that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of an application or any patent issuing thereon;

And we hereby appoint Cushman, Darby & Cushman, Eleventh Floor, 1615 L Street, N.W., Washington, D.C. 20036, telephone number (202) 861-3000 (to whom all communications are to be directed) and the below named persons thereof (of the same address) individually and collectively as our attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent.

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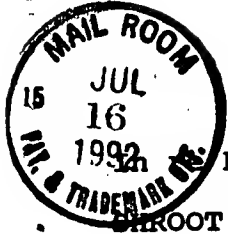
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of  
SHROOT et al

Patent No.: 5,098,895

Filed: herewith

BENZONAPHTHALENE DERIVATIVES,  
A PROCESS FOR THEIR PREPARATION  
AND THEIR USE IN THERAPEUTIC  
AND COSMETIC COMPOSITIONS

ASSENT OF ASSIGNEE TO REISSUE

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the  
above-noted Letters Patent hereby assents to the accompanying  
reissue application.

Respectfully submitted,

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DERMATOLOGIQUES GALDERMA (CIRD GALDERMA)  
Valbonne, France

By: Hans SCHAEFFER  
Name: Hans Schaeffer  
Title: Director  
Date: 29/06/92